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EXECUTIVE DIRECTOR

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DEPUTY EXECUTIVE DIRECTOR

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*Jeffrey M. Nelson*  
Chief Counsel & Director of Legal Services

July 29, 2016

**VIA ELECTRONIC FILING**

Jocelyn G. Boyd, Esquire  
Chief Clerk & Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

**RECEIVED**  
JUL 29 2016  
PSC SC  
MAIL / DMS

Re: Petition of the South Carolina Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Household Goods Carriers For Failure to Pay Annual Assessment Fee  
**Docket No. 2016- -T**

Dear Ms. Boyd:

Please find enclosed for this docket, the South Carolina Office of Regulatory Staff's Petition to Revoke certificates of certain motor carriers for failure to pay annual assessment fees.

Sincerely,

  
Jeffrey M. Nelson

Encl.

cc: Parties of Record, via (U.S. Mail)  
Joseph Melchers, Esquire (via U.S. Mail)

## BEFORE

**OF SOUTH CAROLINA**

**DOCKET NO. 2016-\_\_\_\_-T**

IN RE: Petition of the South Carolina Office of )  
Regulatory Staff to Revoke Certificates )  
of Public Convenience and Necessity of )  
Certain Household Goods Carriers For )  
Failure to Pay Annual Assessment Fee )

**PETITION FOR REVOCATION  
OF CERTIFICATES OF PUBLIC  
CONVENIENCE AND  
NECESSITY OF CERTAIN  
HOUSEHOLD GOODS CARRIERS**

The South Carolina Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("Commission"):

1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. § 58-23-10 *et seq.* (2015); that ORS is charged with the duty to represent the public interest pursuant to S.C. Code Ann. § 58-4-10 (2015).

2. That the carriers listed in Exhibit A have been approved by the Commission and certified by ORS to operate as class "E" household goods carriers as provided in S.C. Code Ann. §§ 58-23-260 and 58-23-590 (2015) and 10 S.C. Code Ann. Regs. 103-114 (2012).

3. That the carriers listed in Exhibit A, each having applied for and receiving an Order from the Commission authorizing a Certificate of Public Convenience and Necessity ("PC&N") to operate as class "E" Motor Carriers under the provisions of S.C. Code Ann. § 58-23-260 (2015), have submitted to the jurisdiction of the Commission by holding said certificate of PC&N, and are therefore subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. § 58-23-1010 (2015). See Exhibit A, Carriers Out of Compliance for Failure to Pay Annual Assessment Fees.

4. That the carriers listed in Exhibit A, prior to receiving their certificates of PC&N, were each found to be fit, willing and able to operate as class "E" motor carriers by the Commission; that in obtaining such authority the carriers certified in signing their Application filed with the Commission that they were familiar, and would comply, with the provisions of S.C. Code Ann. §58-23-10, *et seq.* (2015) and Regulations 103-100 through 103-241 (Volume 10, S.C. Code Ann. Regs., 2012), and 38-400 through 38-503 (Volume 2, S.C. Code Ann., 2012).

5. That as provided in S.C. Code Ann. §58-3-100 (2015), the South Carolina Department of Revenue ("DOR") "must assess each household goods carrier its proportion of the expenses in proportion to its gross income from operations in South Carolina in the year ending on the thirtieth day of June preceding that on which the assessment is made which is due and payable on or before July fifteenth".

6. That the 2010 through 2014 annual assessment fees for all certified household goods carriers were calculated by ORS based on each carrier's gross income from regulated moves conducted in South Carolina through June 30<sup>th</sup> each year and certified to DOR before May 1<sup>st</sup> of the following year, in accordance with the provisions of S.C. Code Ann. §§58-3-100 and 58-4-60(B) (2015). DOR subsequently mailed annual assessments in 2011, 2012, 2013, 2014 and 2015 to each certified household goods carrier prior to July 1<sup>st</sup> of each year. As provided under S.C. Code Ann. §58-3-100 and §58-23-600 the payment of these annual assessment fees was due and payable to DOR by each of the carriers listed in Exhibit A on July 15<sup>th</sup> in the year when the assessment was issued, based on each carriers gross revenue from regulated moves conducted in the prior fiscal year.

7. That the carriers listed in Exhibit A have failed to make payment of their 2014 annual assessment fees as required by law. See, S.C. Code Ann. § 58-23-600 and S.C. Code Ann, §58-3-100 (2015). DOR notified ORS via its July 2016 Receivables Report forwarded to ORS on or About July 1, 2016 that the carriers had not made payment of their Annual Assessment Fees and, to ORS' knowledge, none of the carriers listed have made such payment as of the date of the filing of this Petition. See Exhibit B, Affidavit of Thomas H. Allen.

8. That DOR has notified the companies listed in Exhibit A of their failure to make payment to DOR of their assessment fees for one or more of the following years: 2011, 2012, 2013, 2014, and 2015; that despite this notification, the listed carriers have continued to fail to comply with the requirement that they make payment to DOR of their past due annual assessment fee(s).

9. That "[t]he Commission may, after a hearing, order the suspension, revocation, alteration or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate...willfully violated or refused to observe the laws of this State touching motor vehicle carriers or willfully violated any of the terms of his certificate or of the commissions proper orders, rules, or regulations...." S.C. Code Ann. §58-23-320 (2015).


10. That "[t]he commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria...." 10 S.C. Code Ann. Regs. 103-240 (2012).

11. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, Carriers Out of Compliance for Failure to Pay Annual Assessment Fee. See Exhibit B, Affidavit of Thomas H. Allen.

**WHEREFORE**, ORS respectfully requests that the Honorable Commission:

1. Provide an opportunity for the carriers listed in Exhibit A to respond to the allegations of this Petition within (30) days from the date of receipt of this Petition;

2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates of PC&N of the carriers listed in Exhibit A, which ORS seeks to have revoked by the Commission in this action pursuant to 10 S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015);
3. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided to the Commission under 10 S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015) and thereafter immediately enter a final Order; and,
4. For other appropriate action which the Commission may deem necessary.



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Jeffrey M. Nelson, Esquire  
**South Carolina Office of Regulatory Staff**  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201  
Phone: (803)737-0800  
Fax: (803)737-0895  
Email: [jnelson@regstaff.sc.gov](mailto:jnelson@regstaff.sc.gov)

July 29, 2016  
Columbia, South Carolina

**Docket No. 2016- -T**  
**Carriers Out of Compliance for Failure to Pay Annual Assessment Fee**

**EXHIBIT A**

July 29, 2016

#	Company Name	DBA	Address	City	State	Zip	Docket #	Order #	Secretary of State Standing	Tax Amt '11	Tax Amt '12	Tax Amt '13	Tax Amt '14	Tax Amt '15	Total Tax Amt
1	Senior Services, Inc.	AAA Movers	1501 Leesburg Rd	Columbia	SC	29209-2213	2003-246-T	2003-637	Good Standing					\$904.70	\$904.70
2	David T. Crouch	D.T.C. Transportation Services	426 Anderson Ridge Rd	Greer	SC	29651	1998-056-T	1999-506	N/A	\$159.01	\$192.83	\$44.79	\$33.25		\$429.88
3	The Btu Line Group, Inc.	Movers and Groovers	470 Maple Oak Ln	Charleston	SC	29414	2007-226-T	2007-728	Good Standing	\$14.02	\$998.63	\$7,451.79	\$5,225.76	\$4,834.33	\$18,524.53
4	Jessica S. Jenkins and Gay F. Jenkins	One Call We Haul	1158 Dothan Rd	Columbia	SC	29210	2009-329-T	2010-278	N/A		\$244.16	\$192.17	\$177.43	\$250.16	\$863.92
5	H & F Transfer, Inc.	Palmetto Specialty Transfer	103 A International Ct	Greenville	SC	29607	2004-329-T	2005-174	Good Standing			\$1,288.18	\$2,312.30	\$2,019.89	\$5,620.37
6	Gentlemen Movers, Inc.		1835 Inglewood Dr	Columbia	SC	29204	2006-32-T	2006-363	Good Standing					\$3,236.45	\$3,236.45
7	Mark 1 Moving & Storage, Inc.		8 Carbee Ave	Greenville	SC	29605	1995-537-T	1995-1341	N/A					\$1,052.41	\$1,052.41
8	Midlands Specialty Services, Inc.		1041 Broad Stone Rd	Irmo	SC	29063	2001-501-T	2002-259	Forfeiture			\$797.41	\$712.21	\$481.40	\$1,991.02
9	Nilson Van & Storage		PO Box 3219	Columbia	SC	29230	11351	2897	Good Standing	\$484.13	\$787.87				\$1,272.00
10	On the Go Deliveries, Inc.		7131 Windmill Creek Rd	Charleston	SC	29414	2006-395-T	2007-342	Good Standing					\$856.54	\$856.54

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO.**

July 29, 2016

IN RE: Petition of the South Carolina Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Household Goods Carriers For Failure to Pay Annual Assessment Fee )  
AFFIDAVIT OF  
THOMAS H. ALLEN )

The Affiant, after having been first duly sworn, deposes and states as follows:

1. I, Thomas H. Allen, am employed by the South Carolina Office of Regulatory Staff ("ORS") as the Deputy Director of Safety and Transportation.
2. My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina 29201.
3. My duties and responsibilities as the Deputy Director for Safety and Transportation include managing and overseeing the daily operations of the Transportation Department, ensuring that the rules and regulations of the Public Service Commission of South Carolina ("Commission") are followed by regulated motor carriers and prospective motor carriers operating for hire as well as serving as the records custodian for business filings associated with motor vehicle carriers subject to the jurisdiction of the Commission.

## **EXHIBIT B**

4. It is the regular business practice of ORS to enforce relevant statutes and regulations to motor vehicle carriers providing transportation for hire for compensation along the public highways in South Carolina.
5. As a result of my duties and responsibilities, I have knowledge of the manner in which the ORS books and records pertaining to regulated motor carriers are kept and of any books or records which are not complete or which are not on file with ORS.
6. On July 7, 2016 I examined the Department of Revenue ("DOR") Outstanding Receivables Report which was provided to ORS on or about July 1, 2016. The DOR Outstanding Receivables reports are provided to ORS by DOR on a monthly basis as a means of providing ORS with a list of those regulated household goods carriers which are delinquent in their payment of Annual Gross Receipts Assessment owed under the provisions of S.C. Code Ann. §58-3-100 (2015) . The Outstanding Receivables Report contains a by year list of those household goods carriers which have outstanding gross receipts assessments and the amount of such unpaid assessments.
7. As a result of that examination, I attest that to ORS' knowledge the DOR Outstanding Receivables Report accurately lists those household goods carriers which have failed to comply with the provisions of S.C. Code Ann. § 58-23- 600 and S.C. Code Ann. § 58-3-100 (2015) in that they have failed to pay their Annual Gross Receipts Assessment(s) as of July 8, 2016. Exhibit A attached hereto lists the non-compliant household goods carriers and the year and amount of their unpaid Annual Gross Receipts Assessment and was prepared by me from the information provided in the DOR Outstanding Receivables Report.



**EXHIBIT B**

8. I attest that to the best of my knowledge, the list of delinquent household goods carriers and unpaid assessments provided ORS by DOR and the information listed in Exhibit A are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.



Thomas H. Allen  
Deputy Director, Safety and Transportation  
South Carolina Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201

Sworn and subscribed before me

this 29th day of July, 2016



FAITH SHEHANE  
Notary Public, State of South Carolina  
My Commission Expires 11/1/2022  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

**Docket No. 2016- -T**  
**Carriers Out of Compliance for Failure to Pay Annual Assessment Fee**

**EXHIBIT A**

July 29, 2016

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**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2016- -T**

IN RE: Petition of the South Carolina Office of )  
Regulatory Staff to Revoke Certificates ) **CERTIFICATE**  
of Public Convenience and Necessity of ) **OF SERVICE**  
Certain Household Goods Carriers For )  
Failure to Pay Annual Assessment Fee )

This is to certify that I, Faith E. Shehane, have this date served one (1) copy of the **PETITION FOR REVOCATION OF CERTAIN CERTIFICATES FOR FAILURE TO PAY ANNUAL ASSESSMENT FEES** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

[PLEASE SEE LIST OF PARTIES SERVED ON THE FOLLOWING PAGE]

  
Faith E. Shehane

July 29, 2016  
Columbia, South Carolina

Senior Services, Inc.  
d/b/a AAA Movers  
1501 Leesburg Rd  
Columbia, SC 29209-2213

David T. Crouch  
d/b/a D.T.C. Transportation Services  
426 Anderson Ridge Rd  
Greer, SC 29651

The Blu Line Group, Inc.  
d/b/a Movers and Groovers  
470 Maple Oak Ln  
Charleston, SC 29414

Jessica S. Jenkins and Gary F. Jenkins  
d/b/a One Call We Haul  
1158 Dothan Rd  
Columbia, SC 29210

H & F Transfer, Inc.  
d/b/a Palmetto Specialty Transfer  
103 A International Ct  
Greenville, SC 29607

Gentlemen Movers, Inc.  
1835 Inglewood Dr  
Columbia, SC 29204

Mark 1 Moving & Storage, Inc.  
8 Cartee Ave  
Greenville, SC 29605

Midlands Specialty Services, Inc.  
1041 Broad Stone Rd  
Irmo, SC 29063

Nilson Van & Storage  
PO Box 3219  
Columbia, SC 29230

On the Go Deliveries, Inc.  
7131 Windmill Creek Rd  
Charleston, SC 29414